

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 08-14150-BC
Honorable Thomas L. Ludington

BRAD R. SUPPES,

Defendant.

_____ /

ORDER REJECTING STIPULATION WITHOUT PREJUDICE

On June 27, 2008, the United States filed a complaint seeking to recover unsatisfied loans made to Defendant Brad R. Suppes. Defendant never answered the complaint or defended the action, default judgment was entered, and Defendant's wages were garnished. On March 17, 2009, Plaintiff requested that the garnishments be dismissed, which the Court granted on March 23, 2009. Dkt. # 21-24. On May 2, 2009, Plaintiff's counsel filed a stipulation to set aside the default and dismiss the case with prejudice. Dkt. # 26. On June 23, 2009, filed a brief in support of the "stipulation," which contends that the Court may set aside the default judgment pursuant to Fed. R. Civ. P. 60(b)(6). While a party may be relieved from a final judgment or order for "any [] reason that justifies relief," this legal authority falls short of satisfying the moving parties' burden. Thus, the Court will reject the stipulation without prejudice. To the extent that the parties still seek the same relief, they will need to do so by offering adequate legal authority presented in a motion.

In addition, Plaintiff's counsel violated this Court's local rules when she electronically filed the stipulation on the docket. The Appendix to the Eastern District of Michigan's Local Rules establishes procedures for electronic filing in this Court. *See* E.D. Mich. LR, Appendix ECF, R. 11. The rules instruct litigants to submit proposed orders "to the judge to whom the case is assigned .

. . via the link located under the Utilities section of CM/ECF.” *Id.* Thus, in the future, counsel is to provide a stipulation together with a proposed order to the Court via the Utilities function.

Accordingly, it is **ORDERED** that the stipulation to set aside default judgment and dismiss complaint with prejudice [Dkt. # 26] is **REJECTED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 19, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 19, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS